

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 23-068**

**ELECTRIC AND GAS UTILITIES**

**2024 – 2026 Triennial Energy Efficiency Plan**

**Procedural Order Re: Request for Briefing**

Pursuant to New Hampshire Code of Administrative Rules, Puc 203.32, the Commission determines that briefing would assist the Commission in its determination of the issues presented. The Commission requests that the joint utilities, the New Hampshire Department of Energy, and the Office of the Consumer Advocate file individual briefs in response to the following questions, and invites intervenors to file briefs as well. Consistent with Puc 203.32(e), intervenors are encouraged to file joint briefs, to the extent that they advocate the same result or arguments as other parties. Briefs shall be due on or before the close of business on September 22, 2023. Reply briefs are not requested, but the parties are afforded the opportunity to file reply briefs on or before the close of business on October 6, 2023.

**Codification of Frameworks**

In reviewing the joint utilities' responses to Commission-issued record requests and requests for specific answers filed on August 25, 2023, the Commission notes that the joint utilities discussed codified frameworks in the following contexts:

- The “Granite State Test and benefit-cost *framework* was then codified in law with the passage of HB 549,” Response 1-007-1 (emphasis added).
- The discount rate is “consistent with the existing *framework* and in compliance with HB 549 and SB 113, which are the relevant and prescribed parameters for Plan approval.” Response 1-007-1 (emphasis added).

- The baseline data is “the performance incentive *framework* codified in law by HB 549.” Response 1-007-3 (emphasis added).

The Commission notes that RSA 374-F:3, VI-a(d) reads: “Notwithstanding any subsequent commission order to the contrary, the joint utility energy efficiency plan and programming *framework* and components, including utility performance incentive payments, lost base revenue calculations, and Evaluation, Measurement, and Verification process that were in effect on January 1, 2021, shall remain in effect *until changed by an order* or operation of law as authorized in subparagraphs (3) and (5).” (emphasis added).

The Commission requests that the parties address the following questions on frameworks and components that were developed under the authority of the Commission and subsequently codified:

1. Is the Commission legally precluded from changing in this proceeding any input, assumption, or variable of the Granite State Test<sup>1</sup> or other benefit-cost testing frameworks approved by Commission order? In responding, please separately address each of the following:
  - a. Inputs, assumptions, or variables explicitly addressed in RSA 374-F:3, IV-a (d)(1)–(5). E.g., savings impacts associated with free-ridership for those programs and measures where such free-ridership may have a material impact on savings figures, planned electric system savings, etc.
  - b. Inputs, assumptions, or variables not explicitly addressed in RSA 374-F:3, IV-a (d)(1)-(5) but addressed in the New Hampshire Cost Effectiveness Review.

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<sup>1</sup> For the purposes of this question, and consistent with the Notice of Adjudicative Proceeding in this matter, the Commission intends to reference the *New Hampshire Cost-Effectiveness Review*, October 14, 2019 in reviewing the Granite State Test framework.

- i. Please specifically address the statements referencing impacts in the *New Hampshire Cost Effectiveness Review* such as “the Commission should recognize that evolution of policy guidance and consider including those impacts in the primary Granite State Test.” *New Hampshire Cost Effectiveness Review* at 31; “... the Commission should periodically reassess whether the utilities’ methods of accounting for impacts are appropriate.” *Id.* at 36.
    - c. Inputs, assumptions, or variables that the *New Hampshire Cost Effectiveness Review* states could be updated or monetized over time. E.g., Avoided Ancillary Services, Avoided Credit and Collection Costs, Reduced Risk, Increased Reliability, Market Transformation, or Income Eligible Participant Impacts. *Id.* at 51.
  2. Is the Commission legally precluded from changing in this proceeding the role, composition, or function of any working group convened under the authority of a prior Commission order?
  3. Is the Commission legally precluded from changing in this proceeding any input, assumption, or variable in the performance incentive framework previously established by Commission order?
  4. Is the Commission legally precluded from changing in this proceeding any input, assumption, or variable in the lost base revenue framework previously established by Commission order?

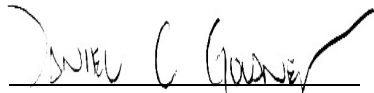
### **Statutory Policy Priorities and Statements**

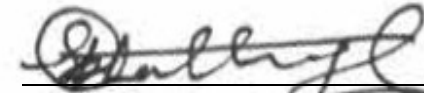
In its preliminary position statement, the Nature Conservancy emphasized RSA 378:37’s policy statement of “maximizing the use of cost-effective energy efficiency and other demand side resources.” Transcript of July 27, 2023, Prehearing Conference at 39.

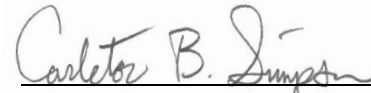
The Commission's Notice of Adjudicative Proceeding also identifies RSA 378:37. The Commission requests that the parties address the following questions:

5. Are the policy priorities and statements in RSA 374-F:3 and 378:37 complementary or conflicting?
6. What is the difference between "optimized" and "maximize" as those words are used in relation to energy efficiency in the policy priorities and statements in RSA 374-F:3 and 378:37?
7. Does the section title "Least Cost Energy Planning" have any interpretive value with respect to the policy statement in RSA 378:37?
8. Does *Appeal of Algonquin Gas Transmission*, 170 N.H. 763, 774 (2018) establish any principles or rules applicable to the Commission's review under RSA ch. 374-F in this proceeding?

So ordered, this seventh day of September, 2023.

  
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Daniel C. Goldner  
Chairman

  
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Pradip K. Chattopadhyay  
Commissioner

  
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Carleton B. Simpson  
Commissioner

## Service List - Docket Related

Docket#: 23-068

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Email Addresses

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ClerksOffice@puc.nh.gov  
Faisal.DeenArif@energy.nh.gov  
Scott.T.Balise@energy.nh.gov  
keith.black@cpowerenergymanagement.com  
rburke@nhla.org  
john.butler@eversource.com  
campbellm@unitil.com  
carroll@unitil.com  
nancy.chafetz@cpowerenergymanagement.com  
jessica.chiavara@eversource.com  
clemsenrobertsa@nhec.com  
rclouthier@snhs.org  
Michael.J.Crouse@oca.nh.gov  
Tyler.Culbertson@libertyutilities.com  
Energy-Litigation@energy.nh.gov  
paul.b.dexter@energy.nh.gov  
downesm@unitil.com  
kimberly.dragoo@libertyutilities.com  
kdrought@nhla.org  
jay.e.dudley@energy.nh.gov  
Stephen.R.Eckberg@energy.nh.gov  
steven.elliott@eversource.com  
maromilee.emerick@eversource.com  
sam@cleanenergynh.org  
thomas.c.frantz@energy.nh.gov  
sandra.gagnon@eversource.com  
sgeiger@orr-reno.com  
glenshawp@nhec.com  
loreley@cleanenergynh.org  
dgoldberg@synapse-energy.com  
gonzalezs@nhec.com  
meredith.hatfield@tnc.org  
jenningsm@nhec.com  
maureen.karpf@libertyutilities.com  
James.King@libertyutilities.com  
nkrakoff@clf.org  
donald.m.kreis@oca.nh.gov

marc.lemenager@eversource.com  
heidi.w.lemay@energy.nh.gov  
Molly.M.Lynch@energy.nh.gov  
mainc@unitil.com  
emalone@synapse-energy.com  
nelson.medeiros@eversource.com  
frank.melanson@eversource.com  
peter.miezejeski@eversource.com  
morans@unitil.com  
munozc@nhec.com  
nelsonj@nhec.com  
nhregulatory@eversource.com  
elizabeth.r.nixon@energy.nh.gov  
amanda.o.noonan@energy.nh.gov  
ocalitigation@oca.nh.gov  
katherine.peters@eversource.com  
tina.poirier@libertyutilities.com  
kschultz@synapse-energy.com  
michael.sheehan@libertyutilities.com  
karen.sinville@libertyutilities.com  
chris@cleanenergynh.org  
dsosland@acadiacenter.org  
eric.stanley@libertyutilities.com  
taylork@nhec.com  
mark.p.toscano@energy.nh.gov  
mark.toussaint@eversource.com  
stower@nhla.org  
jacqueline.m.trottier@energy.nh.gov  
jvanrossum@clf.org  
kiersten.williams@eversource.com  
woodsca@nhec.com  
twoolf@synapse-energy.com  
Adam.Yusuf@Libertyutilities.com